

United States District Court
Northern District of California

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JENNIFER BROWN,
Plaintiff,

v.

JON ALEXANDER, et al.,
Defendants.

Case No. [13-cv-01451-RS](#)

**ORDER APPOINTING JOHN BURKE
AS GUARDIAN AD LITEM FOR JANE
DOES 1 & 2**

This civil rights case filed pursuant to 28 U.S.C. § 1983, recently reassigned to the undersigned, involves claims that defendants the Del Norte County and its employees violated plaintiffs' constitutional rights. Underlying these constitutional claims is a long, heated dispute between plaintiff Jennifer Brown and her ex-husband Daniel Crockett. Jennifer Brown and her father, Barry Brown, have accused Jennifer's ex-husband, Daniel Crockett, of molesting his twin daughters. The Browns made these incendiary accusations in divorce and dependency proceedings in Del Norte County. At the conclusion of those proceedings, the Del Norte County courts awarded Crockett physical custody of the children and found that the complaints of molestation were unfounded. The Browns have filed this lawsuit on behalf of themselves and the minor children against the County of Del Norte and its employees, averring various constitutional violations committed at Crockett's behest.¹

¹ Crockett successfully moved to dismiss the claims against him and is no longer a defendant.

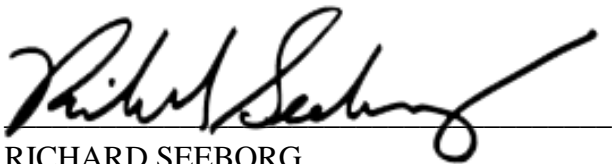
1 Initially, Barry Brown was appointed to represent the minor plaintiffs' interests as guardian
2 ad litem, but defendants successfully challenged Barry Brown's fitness to serve as the children's
3 representative because he was not a neutral party. After granting defendants' motion to remove
4 plaintiff Barry Brown as the minor plaintiffs' guardian ad litem, the court ordered the parties each
5 to submit three names of potential guardians ad litem and made quite clear that members of the
6 Brown or Crockett families were not acceptable options.

7 Defendants submitted one name: Amanda Uhreen, who is a courtroom clerk for the Del
8 Norte County Superior Court and Crockett's live-in girlfriend. Plaintiffs object to Uhreen's
9 appointment because she was involved in the state-court disputes and is not a neutral party in this
10 matter. They propose appointing John Burke, a criminal investigator with the Humboldt County
11 District Attorney, or Paul and Ronell Nicholson, Jennifer Brown's sister and brother-in-law.
12 Defendants have also objected to these proposed guardians ad litem on the basis that the
13 Nicholsons are members of the Brown family, and therefore not neutral parties. Burke, defendants
14 contend, is also an interested party because he submitted reports against Crockett in the
15 proceedings in state court. Defendants further point out that the minor plaintiffs likely no longer
16 have any remaining claims and should be dismissed from the suit.

17 The parties have offered no good options. There are reasons to question the neutrality of
18 each proposed guardian ad litem, but the court is reluctant to entertain a motion to dismiss the
19 minor plaintiffs without first appointing a guardian ad litem. Left with these limited, imperfect
20 options, the best course is to select John Burke, who appears to be the most neutral proposed
21 guardian ad litem. The Nicholsons are members of the Brown family, and Uhreen is in many
22 practical respects part of the Crockett family. Thus, these three proposed guardians ad litem are
23 insufficiently neutral parties to represent the children in this matter. Accordingly, Burke is
24 appointed to serve as the minor plaintiffs' guardian ad litem. If defendants intend to file a motion
25 to dismiss the minor plaintiffs' claims, they should do so promptly.

IT IS SO ORDERED.

Dated: December 16, 2015



RICHARD SEEBORG
United States District Judge

United States District Court
Northern District of California